

1 By B. H. Bass

H.J.R. No. 50

HOUSE JOINT RESOLUTION

proposing an amendment to Article VIII, Constitution of the State of Texas, by adding Section 1-j to authorize the Legislature to provide for refund of the tax on cigars and tobacco products sold at retail in certain border counties.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article VIII, Constitution of the State of Texas, be amended by adding Section 1-j to read as follows:

"Section 1-j. Notwithstanding the provisions of Section 1 of this article, the Legislature may provide for the refund of the tax paid on the first sale of cigars and tobacco products in this state which are subsequently sold at retail in a county having within its boundaries an incorporated city or town which is divided by the state line from an incorporated city or town in an adjoining state which does not impose a sales tax or gross receipts tax on the sale of cigars and tobacco products."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November 1968, at which election all ballots shall have printed on them the following:

"FOR the constitutional amendment authorizing the Legislature to provide for the refund of the tax on cigars and tobacco products sold at retail in certain border counties."

"AGAINST the constitutional amendment authorizing the Legislature to provide for the refund of the tax on cigars and tobacco products sold at retail in certain border counties."

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for the election, and this amendment shall be published in the manner and for the length of time as required by the Constitution and laws of this state.

ANALYSIS OF COMMITTEE SUBSTITUTE

(1) Background Information

The Constitution does not authorize the Legislature to provide for the refund of the tax on cigars and tobacco products sold at retail.

(2) What the Bill Proposes to do

Amend Article VIII, Constitution, by adding Section 1-j, to authorize the Legislature to provide for the refund of the tax on cigars and tobacco products sold at retail within the corporate limits of Texarkana, Texas, or any incorporated city or town in Texas contiguous to Texarkana.

(3) Section by Section Analysis

Section 1: Amend Article VIII, Constitution, by adding Section 1-j to provide that notwithstanding the provisions of Section 1, Article VIII, the Legislature may provide for the refund of the tax paid on the first sale of cigars and tobacco products in this state which are subsequently sold at retail within the corporate limits of Texarkana, Texas, or any incorporated city or town in Texas contiguous to Texarkana.

Section 2: This amendment shall be submitted to the qualified electors of this state on the first Tuesday after the first Monday in November, 1968.

Section 3: The Governor shall issue the necessary proclamation for the election, and this amendment shall be published in the manner and for the length of time as required by the Constitution and laws of this State.

(4) Summary of Committee Hearings

Representative Bass of Bowie explained HJR 50, and Mr. Robert E. Crozier, Executive Director of the Texas Retail Grocers Association, spoke in favor of HJR 50. There were no witnesses to testify against the bill. The bill was sent to a subcommittee. The Committee adopted Subcommittee amendment No. 1 and Subcommittee amendment No. 2. The Committee reported HJR 50 back to the House with the recommendation that it do pass and the Committee Substitute be printed in lieu of the original HJR 50.

(For a favorable report on a bill where a "committee substitute" was recommended by the committee.)

COMMITTEE REPORT

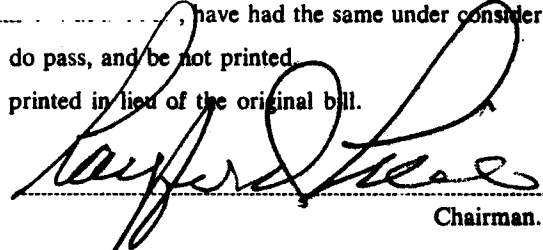
Date May 2, 1967

HON. BEN BARNES

Speaker of the House of Representatives.

Sir:

We, your Committee on Constitutional Amendments, to whom was referred HJR No. 50, have had the same under consideration and beg to report back with recommendation that it do pass, and be not printed. Committee Substitute was recommended and is to be printed in lieu of the original bill.


Chairman.

(A "committee substitute" in the case of a bill is in the form of two suggested amendments, a new body and a new caption. Under the Rules a committee may authorize the printing of the "committee substitute" in lieu of the original bill. If the original caption is adequate, the "committee substitute" should be only a new body; and in such case the original caption should be printed along with the suggested new body.)

COMMITTEE AMENDMENT

NO. 1

- psc
Sherman

1 COMMITTEE AMENDMENT NO. 2

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Amend H.J.R. No. 50 by striking all below the resolving clause and substituting the following:

Section 1. That Article VIII, Constitution of the State of Texas, be amended by adding Section 1-j to read as follows:

"Section 1-j. Notwithstanding the provisions of Section 1 of this article, the Legislature may provide for the refund of the tax paid on the first sale of cigars and tobacco products in this state which are subsequently sold at retail within the corporate limits of Texarkana, Texas, or any incorporated city or town in Texas contiguous to Texarkana."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November 1968, at which election all ballots shall have printed on them the following:

"FOR the constitutional amendment authorizing the Legislature to provide for the refund of the tax on cigars and tobacco products sold at retail within the corporate limits of Texarkana, Texas, or any incorporated city or town in Texas contiguous to Texarkana."

"AGAINST the constitutional amendment authorizing the Legislature to provide for the refund of the tax on cigars and tobacco products sold at retail within the corporate limits of Texarkana, Texas, or any incorporated city or town in Texas contiguous to Texarkana."

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for the election, and this amendment shall be published in the manner and for the length of time as required by the Constitution and laws of this state.

MAY 12 1967

DATE _____

READ AND ADOPTED *as Amended*
Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

JK

COMMITTEE AMENDMENT

NO. 2

file

Sherman

1 COMMITTEE AMENDMENT NO. 2

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Amend H.J.R. No. 50 by striking all above the resolving clause and substituting the following:

HOUSE JOINT RESOLUTION

proposing an amendment to Article VIII, Constitution of the State of Texas, by adding Section 1-j to authorize the Legislature to provide for the refund of the tax on cigars and tobacco products sold at retail within the corporate limits of Texarkana, Texas, or any incorporated city or town in Texas contiguous to Texarkana.

DATE MAY 12 1967

READ AND ADOPTED

Dorothy Hallman
CLERK
HOUSE OF REPRESENTATIVES

yk yk

Revised: p10

Amend Committee Amendment #1
to H.J.R. #50 by adding at the
end of Sec. 3 the following:

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"The publication this amendment
shall be limited to the publication
of sections 1 & 2 of this resolution
only." "

DATE MAY 12 1967

READ AND ADOPTED

Samuel H. Heston
HOUSE OF REPRESENTATIVES

JK 24

By: Bass of Bowie

H.J.R. No. 50

HOUSE JOINT RESOLUTION

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BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article VIII, Constitution of the State of Texas, be amended by adding Section 1-j to read as follows:_____

"Section 1-j. Notwithstanding the provisions of Section 1 of this article, the Legislature may provide for the refund of the tax paid on the first sale of cigars and tobacco products in this state which are subsequently sold at retail within the corporate limits of Texarkana, Texas, or any incorporated city or town in Texas contiguous to Texarkana."_____

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November 1968, at which election all ballots shall have printed on them the following: _____

"FOR the constitutional amendment authorizing the Legislature to provide for the refund of the tax on cigars and tobacco products sold at retail within the corporate limits of Texarkana, Texas, or any incorporated city or town in Texas contiguous to Texarkana."_____

"AGAINST the constitutional amendment authorizing the Legislature to provide for the refund of the tax on cigars and tobacco_____

H.J.R. No. 50

products sold at retail within the corporate limits of Texarkana, Texas, or any incorporated city or town in Texas contiguous to Texarkana. _____

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for the election, and this amendment shall be published in the manner and for the length of time as required by the Constitution and laws of this state. The publication of this amendment shall be limited to the publication of Sections 1 and 2 of this Resolution only. _____

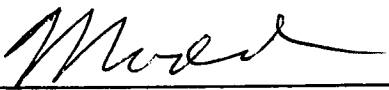
Austin, Texas

May 17, 1967

Hon. Preston Smith
President of the Senate

Sir:

We, your Committee on CONSTITUTIONAL AMENDMENTS,
to which was referred HJR ~~45~~ No. 50, have had the same
under consideration, and I am instructed to report it back to
the Senate with the recommendation that it do _____
pass _____ and be _____ printed.


Chairman MOORE

CAS

ENROLLED

H.J.R. No. 50

HOUSE JOINT RESOLUTION

proposing an amendment to Article VIII, Constitution of the State of Texas by adding Section 1-j to authorize the Legislature to provide for the refund of the tax on cigars and tobacco products sold at retail within the corporate limits of Texarkana, Texas, or any incorporated city or town in Texas contiguous to Texarkana.

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Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November 1966 at which election all ballots shall have printed on them the following:

FOR the constitutional amendment authorizing the Legislature to provide for the refund of the tax on cigars and tobacco products sold at retail within the corporate limits of Texarkana, Texas or any incorporated city or town in Texas contiguous to Texarkana.

AGAINST the constitutional amendment authorizing the Legislature to provide for the refund of the tax on cigars and tobacco

H.J.R. No. 50

products sold at retail within the corporate limits of Texarkana, Texas or any incorporated city or town in Texas contiguous to Texarkana.

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for the election, and this amendment shall be published in the manner and for the length of time as required by the Constitution and laws of this state. The publication of this amendment shall be limited to the publication of Sections 1 and 2 of this Resolution only.

Lieutenant Governor
President of the Senate

Speaker of the House

I hereby certify that H.J.R. No. 50 was adopted by the House on May 12, 1967, by the following vote: Yeas 103, Nays 26 and 1 present not voting.

Chief Clerk of the House

H.J.R. No. 50

I hereby certify that H.J.R. No. 50 was passed by the
Senate on May 23, 1967, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED:

filed without

Date

signature

Governor

1:05pm 5-23-67

JUN 15 1967

John L. Hill
Secretary of State

HOUSE JOINT RESOLUTION

proposing an amendment to Article VIII, Constitution of the State of Texas, by adding Section 1-j to authorize the Legislature to provide for refund of the tax on cigars and tobacco products sold at retail in certain border counties.

FILED MAR 6 1967

MAR 7 1967 READ 1ST TIME
AND REFERRED TO COMMITTEE ON

Constitutional Amendments

MAY 3 1967 REPORTED FAVORABLY 'AS AMENDED SENT TO PRINTER

PRINTED, DISTRIBUTED AND

REFERRED TO COMMITTEE ON

RULES 5:30 P.M. MAY 3 1967
(Time) (Date)

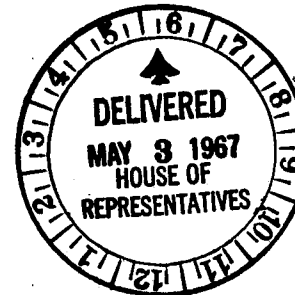
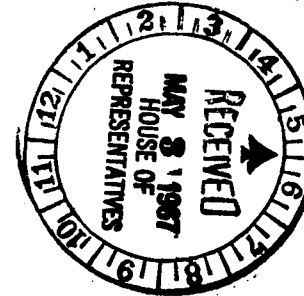
MAY 12 1967 READ SECOND

TIME Amended AND

ORDERED ENGROSSED failed
of adoption by vote of 99
ayes, 30 nays + 1 present
not voting.

Dorothy Hallman

Chief Clerk, House of Representatives



MAY 12 1967

Motion to reconsider vote
by which H.J.R. #50 was
ordered engrossed, prevailed.

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 12 1967

READ SECOND

TIME Amended AND

ORDERED ENGROSSED, and
Adopted by vote 103 ayes,
26 nays + 1 present not voting.

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 12 1967

MOTION TO RECONSIDER THE VOTE BY
WHICH H.J.R. #50 WAS
ADOPTED / PASSED AND TO TABLE THE MOTION TO RECON-
SIDER PREVAILED PASSED BY A non-record vote

Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

MAY 12 1967 SENT TO ENGROSSING CLERK

By: Bass of Bowie

H.J.R. No. 50

HOUSE JOINT RESOLUTION

proposing an amendment to Article VIII, Constitution of the State of Texas, by adding Section 1-j to authorize the Legislature to provide for the refund of the tax on cigars and tobacco products sold at retail within the corporate limits of Texarkana, Texas, or any incorporated city or town in Texas contiguous to Texarkana._____

3- 6-67 Filed. _____

3- 7-67 Read first time and referred to Committee on Constitutional Amendments. _____

5- 3-67 Reported favorably as amended, sent to printer. _____

5- 3-67 Printed, distributed and referred to Committee on Rules at 5:30 p.m. _____

5-12-67 Read second time, amended, ordered engrossed and failed of adoption by the following vote: Yeas 99, Nays 30 and 1 present not voting. _____

5-12-67 Motion to reconsider vote by which H.J.R. No. 50 was ordered engrossed, prevailed. _____

5-12-67 Read second time, amended, ordered engrossed and adopted by the following vote: Yeas 103, Nays 26 and 1 present not voting. _____

Dorothy Hallman
Chief Clerk, H. of R.

5-12-67 Sent to Engrossing Clerk. _____

5-12-67 Engrossed. _____

Alan Suggs
Engrossing Clerk, H. of R.

MAY 15 1967 RETURNED FROM ENGROSSING CLERK SENT TO THE SENATE

MAY 15 1967
IN THE SENATE
Received from the House

MAY 23 1967
READ SECOND TIME. _____
AND PASSED TO THIRD READING.

MAY 16 1967
Read first time
and referred to Committee
on Constitutional Amendments

MAY 23 1967
Senate Rule 32 and
Constitutional Rule (Sec. 32, Art. III)
suspended by a vote of 31 yeas,
0 nays, to place bill on third
reading and final passage.

MAY 18 1967
Reported Favorably.

MAY 23 1967
READ THIRD TIME AND PASSED
BY THE FOLLOWING VOTE:

MAY 23 1967
Regular order of business sus-
pended by unanimous consent to
permit consideration.

Yeas 31 Nays 0
Charles Schnabel
Secretary of the Senate

Sent to the House

MAY 23 1967

MAY 23 1967

RETURNED FROM SENATE

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 23 1967 SENT TO ENROLLING CLERK

Wm. B. Buckley